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Canadian Disability Policy Alliance
Alliance Canadienne concernant
les politiques reliées au handicap

Disability policy in Canada: Then and now...

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As last speaker in this panel, it is my privilege to address the following 3 aims:

1. To describe the trajectory of disability policy in Canada, including current state and recent developments;
2. To explore current disability policy as a reflection of Canadian culture and values;
3. To open a discussion reflecting on how we have ended up where we are in Canada and the US.

What can we learn from one another, without judging what is better or worse.

“Whenever we judge, we forfeit the opportunity to understand”

(source unknown)

My background – not political science, not even social science → health science. Therefore the idea of presenting without slides is incomprehensible, but here we go ...

1. To describe the history of disability policy in Canada

We have been talking about a federal disability statute since 1981 – 37 years, 9 governments!

- < 1980 – Minimal explicit disability policy
 - Immigration policy – (Dolmage, 2018: *Disabled upon arrival*)
 - Vocational rehab act (1979, subsequently repealed)
 - Veterans programs – housing, education, employment
 - Canada Pension Plan – Dis (1965)
 - Quebec (1978) – Law assuring HR of people with disabilities
- 1981 – 1995 International Pull
 - Dawning political awareness in disability community – (Driedger, 1989) Last civil rights movement
 - 1979 – consolidation of IL movement – the personal becomes political
 - 1981 – IYDP
 - 1982-93 UN Decade of Disabled Persons
 - In Canada – 1981 *Obstacles Report* – recommended rights-based federal disability legislation
 - 1982 Charter – Constitution of Canada repatriated from Britain, added Charter of Rights & Freedoms – CCD cooperated with GC to ensure that PEOPLE WITH DISABILITIES explicitly identified as one of 5 groups whose rights needed to be ensured.
 - 1985 – HR Act

- 1986 – Employment Equity Act
 - 1991 – 6 5-yr National Strategy for Integration of people with disabilities
 - Other countries passing anti-discrimination legislation
 - US – ADA (1990)
 - Australia (1992) Disability Discrimination Act
 - UK (1995) – DDA
- 1996 – 2005 Provincial Push
 - 1996 – Scott Report – recommended a larger role for fed government in dis pol;
 - Formerly had been mostly provincial jurisdiction over specific programs like health, education, social service
 - Again (2nd time) recommended federal disability legislation
 - 1997 – 8 – FPT Working Group on Dis Issues – reviewed progress since Obstacles Report 20 yrs earlier; proposed framework for addressing dis issues
 - 2001 – Office of Dis Issues in fed government
 - 2003 – Multilateral Framework for Labour Market Agreements for people with disabilities
 - bilateral agreements with prov/terr to create work opportunities for people with disabilities; took place of Vocational Rehab Act
- 2006 – 2014 Federal Monitoring
 - Mostly coincides with Harper Conservative government – came to power (twice) on promise of disability legislation, but instead described by Prince as “declining, dithering, & delivering”
 - despite support of Finance Minister Flaherty (who had a disabled child), benefits declined and safety net was eroded
 - Ideological change away from social welfare approach to individual wealth development approach – tax-free savings account, registered disability savings plan, post-secondary education loans and grants – shown to be marginally effective for poor!
 - 2007 – signed UNCRPD; 2010 – ratified convention; declined to sign Optional Protocol – recognizing authority of international body to hear complaints against GC on disability rights
 - Meanwhile in provinces:
 - 2000, 2006 – Accessibility for Ontarians with Disabilities Act
 - 2013 – Manitobans with Disabilities Act
- > 2015 Federal Leadership
 - Current Trudeau Liberals came to power again with promise to deliver federal disability legislation
 - Immediately appointed Minister Disability & Sport – charged her with consulting widely about barriers and introducing legislation to ensure “access and inclusion” – not further HR protection; structural vs individual approach
 - Bill C-81 – An act to ensure a barrier-free Canada – currently in third reading
 - 2017 – NS – Act respecting access in NS

2. **Disability policy as a reflection of Canadian culture**

- 3 aims of disability policy
 - Access – ensure ability to participate
 - Support – ensure availability of goods and services
 - Equity – ensure right to freedom from discrimination (Bickenbach, 1996)
- Each supported by different types of law
- Focus on federal government – constitution promises “Peace, order and good government” (versus “Life, liberty and the pursuit of happiness – USA”)
 - Trans-provincial issues – eg. Banking, transportation, national standards, communications & media, defence ...
- 37 federal statutes explicitly addressing disability
 - 21 aimed at **support** – pensions, tax measures, banking and insurance standards, housing, student loans, savings programs
 - 10 aimed at **access** – standards for media and telecommunications, privacy and evidence, transportation, elections, building codes and standards
 - 6 aimed at **equity** –
 - Charter of Rights and Freedoms – supersedes all other law
 - Canadian Human Rights Act
 - Employment Equity Act
 - Criminal Code
- Canadian culture
 - Prince (2009) – pride and prejudice – pretty pleased with what we have done, but discrimination continues to exist beneath the surface
 - (Angus-Reid, 2015) – commissioned by Rick Hansen Inst
 - 34% On-side – care deeply about dis issues; probably 15% disabled + their support systems;
 - 28% Young bystanders – idealistic but not involved with people with disabilities or their issues;
 - 22% Older detached – more aware of dis issues, in fact, share some of them, but don’t subscribe, don’t identify as dis
 - 15% Indifferent – nice idea but not a priority, especially if it costs or could impact non-dis people
 - Is there a disability community? (Ville et al., 2003; Prince, 2006)
 - In France, only 56% of people with disabilities believe that there is such a thing as a disability community; a unifying experience of disability that transcends differences
 - Only 34% say they are members of it

- Has been largely unsuccessful at creating coalitions that would galvanize its political influence.

3. **Where are we today?**

- On the verge of new federal accessibility legislation
- Promised since 1980s, but 3 responses to it (Prince, 2010)
 - Yes – move ahead with alacrity
 - Ambivalent – unlikely to improve on existing HR protections
 - No – will distract from real problems of poverty, un-/under-employment, educational disparities
- Expressed intention to sign Optional Protocol of UNCRPD
- Robust HR legislation, but disappointing impact on equity – disability still the largest category of complainants to HR Tribunals in every jurisdiction in Canada
- Low spending / benefits /eligibility (OECD, 2015) –<.8% GDP spent on disability programs (of 28 OECD countries, only Turkey, Korea and Chile spend less) -- compared to US at 1.4%, Australia at 2.6%, Denmark at 4.7%.
- People with disabilities still significantly disadvantaged in employment, income, education – lower incomes, lower educational attainment, more unemployment and underemployment
- Becoming increasingly aware of intersectionality / double jeopardy with other disadvantaged statuses – eg., gender, ethnicity, indigeneity

Two things that would help:

From our own research at the CDPA, we offer two tools that we think can help to ensure a better future for dis pol in Canada

- A disability policy lens (McColl, 2017; see attached). Such a lens would need to be brief, evidence-based, versatile, easy to understand and administer, and compatible with contemporary disability studies.
- A macro social indicator of social inclusion, barrier removal – e.g., *Time Use Dissimilarity Index* (Wilson & McColl, in press)
 - calculated using data collected in 2010 Statistics Canada (General Social Survey, 2011) and U.S. Bureau of Labor Statistics (the American Time Use Survey, 2017).
 - provides a population-based indicator of differences in allocation of time to daily activities.
 - If there is equity between dis and non-dis, we would assume that on average they spend their time the same ways
 - If situation is becoming more favourable, should be becoming increasingly similar
 - Our research shows that disabled Americans are 16% dissimilar from non-disabled Americans in their time use, whereas disabled Canadians are only 10% dissimilar from their non-disabled counterparts. (Down 1.2% since 1992)
 - Disabled Americans spend significantly more time sleeping, using TVs/computers, and in unreported activity than their non-disabled counterparts, and less time in paid work and social leisure than disabled Canadians